



General Assembly

**Substitute Bill No. 438**

February Session, 2010

\* \_\_\_\_\_SB00438ED\_APP032410\_\_\_\_\_\*

**AN ACT CONCERNING CHARTER SCHOOLS AND OPEN CHOICE  
PROGRAM FUNDING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-66bb of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) On and after July 1, 1997, the State Board of Education may grant  
4 [, within available appropriations,] charters for local and state charter  
5 schools in accordance with this section.

6 (b) Any person, association, corporation, organization or other  
7 entity, public or independent institution of higher education, local or  
8 regional board of education or two or more boards of education  
9 cooperatively, or regional educational service center may apply to the  
10 Commissioner of Education, at such time and in such manner as the  
11 commissioner prescribes, to establish a charter school, provided no  
12 nonpublic elementary or secondary school may be established as a  
13 charter school and no parent or group of parents providing home  
14 instruction may establish a charter school for such instruction.

15 (c) The State Board of Education shall review, annually, all  
16 applications and grant charters in accordance with subsection (f) of  
17 this section. (1) Except as provided for in subdivision (2) of this  
18 subsection, no state charter school shall enroll (A) (i) more than two

19 hundred fifty students, or (ii) in the case of a kindergarten to grade  
20 eight, inclusive, school, more than three hundred students, or (B)  
21 twenty-five per cent of the enrollment of the school district in which  
22 the state charter school is to be located, whichever is less. (2) In the  
23 case of a state charter school found by the State Board of Education to  
24 have a demonstrated record of achievement, [such school] said board  
25 [may,] shall, upon application to [and approval by] said board, [enroll  
26 up to eighty-five students per grade, if within available  
27 appropriations] waive the provisions of subdivision (1) of this  
28 subsection for such school. The State Board of Education shall give  
29 preference to applicants for charter schools that will serve students  
30 who reside in a priority school district pursuant to section 10-266p or  
31 in a district in which seventy-five per cent or more of the enrolled  
32 students are members of racial or ethnic minorities and to applicants  
33 for state charter schools that will be located at a work-site or that are  
34 institutions of higher education. In determining whether to grant a  
35 charter, the State Board of Education shall consider the effect of the  
36 proposed charter school on the reduction of racial, ethnic and  
37 economic isolation in the region in which it is to be located, the  
38 regional distribution of charter schools in the state and the potential of  
39 over-concentration of charter schools within a school district or in  
40 contiguous school districts.

41 (d) Applications pursuant to this section shall include a description  
42 of: (1) The mission, purpose and any specialized focus of the proposed  
43 charter school; (2) the interest in the community for the establishment  
44 of the charter school; (3) the school governance and procedures for the  
45 establishment of a governing council that (A) includes (i) teachers and  
46 parents and guardians of students enrolled in the school, and (ii) the  
47 chairperson of the local or regional board of education of the town in  
48 which the charter school is located and which has jurisdiction over a  
49 school that resembles the approximate grade configuration of the  
50 charter school, or the designee of such chairperson, provided such  
51 designee is a member of the board of education or the superintendent  
52 of schools for the school district, and (B) is responsible for the

53 oversight of charter school operations, provided no member or  
54 employee of the governing council may have a personal or financial  
55 interest in the assets, real or personal, of the school; (4) the financial  
56 plan for operation of the school, provided no application fees or other  
57 fees for attendance, except as provided in this section, may be charged;  
58 (5) the educational program, instructional methodology and services to  
59 be offered to students; (6) the number and qualifications of teachers  
60 and administrators to be employed in the school; (7) the organization  
61 of the school in terms of the ages or grades to be taught and the total  
62 estimated enrollment of the school; (8) the student admission criteria  
63 and procedures to (A) ensure effective public information, (B) ensure  
64 open access on a space available basis, (C) promote a diverse student  
65 body, and (D) ensure that the school complies with the provisions of  
66 section 10-15c and that it does not discriminate on the basis of  
67 disability, athletic performance or proficiency in the English language,  
68 provided the school may limit enrollment to a particular grade level or  
69 specialized educational focus and, if there is not space available for all  
70 students seeking enrollment, the school may give preference to siblings  
71 but shall otherwise determine enrollment by a lottery; (9) a means to  
72 assess student performance that includes participation in state-wide  
73 mastery examinations pursuant to chapter 163c; (10) procedures for  
74 teacher evaluation and professional development for teachers and  
75 administrators; (11) the provision of school facilities, pupil  
76 transportation and student health and welfare services; (12)  
77 procedures to encourage involvement by parents and guardians of  
78 enrolled students in student learning, school activities and school  
79 decision-making; (13) document efforts to increase the racial and  
80 ethnic diversity of staff; and (14) a five-year plan to sustain the  
81 maintenance and operation of the school. Subject to the provisions of  
82 subsection (b) of section 10-66dd, as amended by this act, an  
83 application may include, or a charter school may file, requests to waive  
84 provisions of the general statutes and regulations not required by  
85 sections 10-66aa to 10-66ff, inclusive, as amended by this act, and  
86 which are within the jurisdiction of the State Board of Education.

87 (e) An application for the establishment of a local charter school  
88 shall be submitted to the local or regional board of education of the  
89 school district in which the local charter school is to be located for  
90 approval pursuant to this subsection. The local or regional board of  
91 education shall: (1) Review the application; (2) hold a public hearing in  
92 the school district on such application; (3) survey teachers and parents  
93 in the school district to determine if there is sufficient interest in the  
94 establishment and operation of the local charter school; and (4) vote on  
95 a complete application not later than sixty days after the date of receipt  
96 of such application. Such board of education may approve the  
97 application by a majority vote of the members of the board present and  
98 voting at a regular or special meeting of the board called for such  
99 purpose. If the application is approved, the board shall forward the  
100 application to the State Board of Education. The State Board of  
101 Education shall vote on the application not later than seventy-five days  
102 after the date of receipt of such application. Subject to the provisions of  
103 subsection (c) of this section, the State Board of Education may  
104 approve the application and grant the charter for the local charter  
105 school or reject such application by a majority vote of the members of  
106 the state board present and voting at a regular or special meeting of  
107 the state board called for such purpose. The State Board of Education  
108 may condition the opening of such school on the school's meeting  
109 certain conditions determined by the Commissioner of Education to be  
110 necessary and may authorize the commissioner to release the charter  
111 when the commissioner determines such conditions are met. The state  
112 board may grant the charter for the local charter school for a period of  
113 time of up to five years and may allow the applicant to delay its  
114 opening for a period of up to one school year in order for the applicant  
115 to fully prepare to provide appropriate instructional services.

116 (f) An application for the establishment of a state charter school  
117 shall be (1) submitted to the State Board of Education for approval in  
118 accordance with the provisions of this subsection, and (2) filed with the  
119 local or regional board of education in the school district in which the  
120 charter school is to be located. The state board shall: (A) Review such

121 application; (B) hold a public hearing on such application in the school  
122 district in which such state charter school is to be located; (C) solicit  
123 and review comments on the application from the local or regional  
124 board of education for the school district in which such charter school  
125 is to be located and from the local or regional boards of education for  
126 school districts that are contiguous to the district in which such school  
127 is to be located; and (D) vote on a complete application not later than  
128 seventy-five days after the date of receipt of such application. The State  
129 Board of Education may approve an application and grant the charter  
130 for the state charter school by a majority vote of the members of the  
131 state board present and voting at a regular or special meeting of the  
132 state board called for such purpose. The State Board of Education may  
133 condition the opening of such school on the school's meeting certain  
134 conditions determined by the Commissioner of Education to be  
135 necessary and may authorize the commissioner to release the charter  
136 when the commissioner determines such conditions are met. Charters  
137 shall be granted for a period of time of up to five years and may allow  
138 the applicant to delay its opening for a period of up to one school year  
139 in order for the applicant to fully prepare to provide appropriate  
140 instructional services.

141 (g) Charters may be renewed, upon application, in accordance with  
142 the provisions of this section for the granting of such charters. Upon  
143 application for such renewal, the State Board of Education may  
144 commission an independent appraisal of the performance of the  
145 charter school that includes, but is not limited to, an evaluation of the  
146 school's compliance with the provisions of this section. The State Board  
147 of Education shall consider the results of any such appraisal in  
148 determining whether to renew such charter. The State Board of  
149 Education may deny an application for the renewal of a charter if (1)  
150 student progress has not been sufficiently demonstrated, as  
151 determined by the commissioner, (2) the governing council has not  
152 been sufficiently responsible for the operation of the school or has  
153 misused or spent public funds in a manner that is detrimental to the  
154 educational interests of the students attending the charter school, or (3)

155 the school has not been in compliance with applicable laws and  
156 regulations. If the State Board of Education does not renew a charter, it  
157 shall notify the governing council of the charter school of the reasons  
158 for such nonrenewal.

159 (h) The Commissioner of Education may at any time place a charter  
160 school on probation if (1) the school has failed to (A) adequately  
161 demonstrate student progress, as determined by the commissioner, (B)  
162 comply with the terms of its charter or with applicable laws and  
163 regulations, (C) achieve measurable progress in reducing racial, ethnic  
164 and economic isolation, or (D) maintain its nonsectarian status, or (2)  
165 the governing council has demonstrated an inability to provide  
166 effective leadership to oversee the operation of the charter school or  
167 has not ensured that public funds are expended prudently or in a  
168 manner required by law. If a charter school is placed on probation, the  
169 commissioner shall provide written notice to the charter school of the  
170 reasons for such placement, not later than five days after the  
171 placement, and shall require the charter school to file with the  
172 Department of Education a corrective action plan acceptable to the  
173 commissioner not later than thirty-five days from the date of such  
174 placement. The charter school shall implement a corrective action plan  
175 accepted by the commissioner not later than thirty days after the date  
176 of such acceptance. The commissioner may impose any additional  
177 terms of probation on the school that the commissioner deems  
178 necessary to protect the educational or financial interests of the state.  
179 The charter school shall comply with any such additional terms not  
180 later than thirty days after the date of their imposition. The  
181 commissioner shall determine the length of time of the probationary  
182 period, which may be up to one year, provided the commissioner may  
183 extend such period, for up to one additional year, if the commissioner  
184 deems it necessary. In the event that the charter school does not file or  
185 implement the corrective action plan within the required time period  
186 or does not comply with any additional terms within the required time  
187 period, the Commissioner of Education may withhold grant funds  
188 from the school until the plan is fully implemented or the school

189 complies with the terms of probation, provided the commissioner may  
190 extend the time period for such implementation and compliance for  
191 good cause shown. Whenever a charter school is placed on probation,  
192 the commissioner shall notify the parents or guardians of students  
193 attending the school of the probationary status of the school and the  
194 reasons for such status. During the term of probation, the  
195 commissioner may require the school to file interim reports concerning  
196 any matter the commissioner deems relevant to the probationary  
197 status of the school, including financial reports or statements. No  
198 charter school on probation may increase its student enrollment or  
199 engage in the recruitment of new students without the consent of the  
200 commissioner.

201 (i) The State Board of Education may revoke a charter if a charter  
202 school has failed to: (1) Comply with the terms of probation, including  
203 the failure to file or implement a corrective action plan; (2)  
204 demonstrate satisfactory student progress, as determined by the  
205 commissioner; (3) comply with the terms of its charter or applicable  
206 laws and regulations; or (4) manage its public funds in a prudent or  
207 legal manner. Unless an emergency exists, prior to revoking a charter,  
208 the State Board of Education shall provide the governing council of the  
209 charter school with a written notice of the reasons for the revocation,  
210 including the identification of specific incidents of noncompliance with  
211 the law, regulation or charter or other matters warranting revocation  
212 of the charter. It shall also provide the governing council with the  
213 opportunity to demonstrate compliance with all requirements for the  
214 retention of its charter by providing the State Board of Education or a  
215 subcommittee of the board, as determined by the State Board of  
216 Education, with a written or oral presentation. Such presentation shall  
217 include an opportunity for the governing council to present  
218 documentary and testimonial evidence to refute the facts cited by the  
219 State Board of Education for the proposed revocation or in justification  
220 of its activities. Such opportunity shall not constitute a contested case  
221 within the meaning of chapter 54. The State Board of Education shall  
222 determine, not later than thirty days after the date of an oral

223 presentation or receipt of a written presentation, whether and when  
224 the charter shall be revoked and notify the governing council of the  
225 decision and the reasons therefor. A decision to revoke a charter shall  
226 not constitute a final decision for purposes of chapter 54. In the event  
227 an emergency exists in which the commissioner finds that there is  
228 imminent harm to the students attending a charter school, the State  
229 Board of Education may immediately revoke the charter of the school,  
230 provided the notice concerning the reasons for the revocation is sent to  
231 the governing council not later than ten days after the date of  
232 revocation and the governing council is provided an opportunity to  
233 make a presentation to the board not later than twenty days from the  
234 date of such notice.

235 Sec. 2. Section 10-66hh of the general statutes is repealed and the  
236 following is substituted in lieu thereof (*Effective from passage*):

237 (a) For the fiscal [years] year ending June 30, 2008, [and June 30,  
238 2009] and each fiscal year thereafter, the Commissioner of Education  
239 shall establish, within available bond authorizations, a grant program  
240 to assist state charter schools in financing (1) school building projects,  
241 as defined in section 10-282, (2) general improvements to school  
242 buildings, as defined in subsection (a) of section 10-265h, and (3)  
243 repayment of debt incurred for school building projects. The  
244 governing authorities of such state charter schools may apply for such  
245 grants to the Department of Education at such time and in such  
246 manner as the commissioner prescribes. The commissioner shall give  
247 preference to applications that provide for matching funds from  
248 nonstate sources.

249 (b) All final calculations for grant awards pursuant to this section in  
250 an amount equal to or greater than two hundred fifty thousand dollars  
251 shall include a computation of the state grant amount amortized on a  
252 straight line basis over a ten-year period. Any state charter school  
253 which abandons, sells, leases, demolishes or otherwise redirects the  
254 use of a school building which benefited from such a grant award  
255 during such amortization period, including repayment of debt for the



256 purchase, renovation or improvement of the building, shall refund to  
257 the state the unamortized balance of the state grant remaining as of the  
258 date that the abandonment, sale, lease, demolition or redirection  
259 occurred. The amortization period shall begin on the date the grant  
260 award is paid. A state charter school required to make a refund to the  
261 state pursuant to this subsection may request forgiveness of such  
262 refund if the building is redirected for public use.

263 Sec. 3. Section 10-266aa of the general statutes is repealed and the  
264 following is substituted in lieu thereof (*Effective July 1, 2010*):

265 (a) As used in this section:

266 (1) "Receiving district" means any school district that accepts  
267 students under the program established pursuant to this section;

268 (2) "Sending district" means any school district that sends students it  
269 would otherwise be legally responsible for educating to another school  
270 district under the program; and

271 (3) "Minority students" means students who are "pupils of racial  
272 minorities", as defined in section 10-226a.

273 (b) There is established, within available appropriations, an  
274 interdistrict public school attendance program. The purpose of the  
275 program shall be to: (1) Improve academic achievement; (2) reduce  
276 racial, ethnic and economic isolation or preserve racial and ethnic  
277 balance; and (3) provide a choice of educational programs for students  
278 enrolled in the public schools. The Department of Education shall  
279 provide oversight for the program, including the setting of reasonable  
280 limits for the transportation of students participating in the program,  
281 and may provide for the incremental expansion of the program for the  
282 school year commencing in 2000 for each town required to participate  
283 in the program pursuant to subsection (c) of this section.

284 (c) The program shall be phased in as provided in this subsection.  
285 (1) For the school year commencing in 1998, and for each school year

286 thereafter, the program shall be in operation in the Hartford, New  
287 Haven and Bridgeport regions. The Hartford program shall operate as  
288 a continuation of the program described in section 10-266j. Students  
289 who reside in Hartford, New Haven or Bridgeport may attend school  
290 in another school district in the region and students who reside in such  
291 other school districts may attend school in Hartford, New Haven or  
292 Bridgeport, provided, beginning with the 2001-2002 school year, the  
293 proportion of students who are not minority students to the total  
294 number of students leaving Hartford, Bridgeport or New Haven to  
295 participate in the program shall not be greater than the proportion of  
296 students who were not minority students in the prior school year to  
297 the total number of students enrolled in Hartford, Bridgeport or New  
298 Haven in the prior school year. The regional educational service center  
299 operating the program shall make program participation decisions in  
300 accordance with the requirements of this subdivision. (2) For the  
301 school year commencing in 2000, and for each school year thereafter,  
302 the program shall be in operation in New London, provided beginning  
303 with the 2001-2002 school year, the proportion of students who are not  
304 minority students to the total number of students leaving New London  
305 to participate in the program shall not be greater than the proportion  
306 of students who were not minority students in the prior year to the  
307 total number of students enrolled in New London in the prior school  
308 year. The regional educational service center operating the program  
309 shall make program participation decisions in accordance with this  
310 subdivision. (3) The Department of Education may provide, within  
311 available appropriations, grants for the fiscal year ending June 30,  
312 2003, to the remaining regional educational service centers to assist  
313 school districts in planning for a voluntary program of student  
314 enrollment in every priority school district, pursuant to section 10-  
315 266p, which is interested in participating in accordance with this  
316 subdivision. For the school year commencing in 2003, and for each  
317 school year thereafter, the voluntary enrollment program may be in  
318 operation in every priority school district in the state. Students from  
319 other school districts in the area of a priority school district, as  
320 determined by the regional educational service center pursuant to

321 subsection (d) of this section, may attend school in the priority school  
322 district, provided such students bring racial, ethnic and economic  
323 diversity to the priority school district and do not increase the racial,  
324 ethnic and economic isolation in the priority school district.

325 (d) School districts which received students from New London  
326 under the program during the 2000-2001 school year shall allow such  
327 students to attend school in the district until they graduate from high  
328 school. The attendance of such students in such program shall not be  
329 supported by grants pursuant to subsections (f) and (g) of this section  
330 but shall be supported, in the same amounts as provided for in said  
331 subsections, by interdistrict cooperative grants pursuant to section 10-  
332 74d to the regional educational service centers operating such  
333 programs.

334 (e) Once the program is in operation in the region served by a  
335 regional educational service center pursuant to subsection (c) of this  
336 section, the Department of Education shall provide an annual grant to  
337 such regional educational service center to assist school districts in its  
338 area in administering the program and to provide staff to assist  
339 students participating in the program to make the transition to a new  
340 school and to act as a liaison between the parents of such students and  
341 the new school district. Each regional educational service center shall  
342 determine which school districts in its area are located close enough to  
343 a priority school district to make participation in the program feasible  
344 in terms of student transportation pursuant to subsection (f) of this  
345 section, provided any student participating in the program prior to  
346 July 1, 1999, shall be allowed to continue to attend the same school  
347 such student attended prior to said date in the receiving district until  
348 the student completes the highest grade in such school. Each regional  
349 educational service center shall convene, annually, a meeting of  
350 representatives of such school districts in order for such school  
351 districts to report, by March thirty-first, the number of spaces available  
352 for the following school year for out-of-district students under the  
353 program. Annually, each regional educational service center shall

354 provide a count of such spaces to the Department of Education by  
355 April fifteenth. If there are more students who seek to attend school in  
356 a receiving district than there are spaces available, the regional  
357 educational service center shall assist the school district in determining  
358 attendance by the use of a lottery or lotteries designed to preserve or  
359 increase racial, ethnic and economic diversity, except that the regional  
360 educational service center shall give preference to siblings and to  
361 students who would otherwise attend a school that has lost its  
362 accreditation by the New England Association of Schools and Colleges  
363 or has been identified as in need of improvement pursuant to the No  
364 Child Left Behind Act, P.L. 107-110. The admission policies shall be  
365 consistent with section 10-15c and this section. No receiving district  
366 shall recruit students under the program for athletic or extracurricular  
367 purposes. Each receiving district shall allow out-of-district students it  
368 accepts to attend school in the district until they graduate from high  
369 school.

370 (f) The Department of Education shall provide grants to regional  
371 educational service centers or local or regional boards of education for  
372 the reasonable cost of transportation for students participating in the  
373 program. For the fiscal year ending June 30, 2003, and each fiscal year  
374 thereafter, the department shall provide such grants within available  
375 appropriations, provided the state-wide average of such grants does  
376 not exceed an amount equal to three thousand two hundred fifty  
377 dollars for each student transported, except that the Commissioner of  
378 Education may grant to regional educational service centers additional  
379 sums from funds remaining in the appropriation for such  
380 transportation services if needed to offset transportation costs that  
381 exceed such maximum amount. The regional educational service  
382 centers shall provide reasonable transportation services to high school  
383 students who wish to participate in supervised extracurricular  
384 activities. For purposes of this section, the number of students  
385 transported shall be determined on September first of each fiscal year.

386 (g) The Department of Education shall provide, within available

387 appropriations, an annual grant to the local or regional board of  
388 education for each receiving district in an amount not to exceed [two  
389 thousand five hundred] three thousand dollars for each out-of-district  
390 student who attends school in the receiving district under the  
391 program. Each town which receives funds pursuant to this subsection  
392 shall make such funds available to its local or regional board of  
393 education in supplement to any other local appropriation, other state  
394 or federal grant or other revenue to which the local or regional board  
395 of education is entitled.

396 (h) Notwithstanding any provision of this chapter, each sending  
397 district and each receiving district shall divide the number of children  
398 participating in the program who reside in such district or attend  
399 school in such district by two for purposes of the counts for  
400 subdivision (22) of section 10-262f and subdivision (2) of subsection (a)  
401 of section 10-261.

402 (i) In the case of an out-of-district student who requires special  
403 education and related services, the sending district shall pay the  
404 receiving district an amount equal to the difference between the  
405 reasonable cost of providing such special education and related  
406 services to such student and the amount received by the receiving  
407 district pursuant to subsection (g) of this section and in the case of  
408 students participating pursuant to subsection (d) of this section, the  
409 per pupil amount received pursuant to section 10-74d. The sending  
410 district shall be eligible for reimbursement pursuant to section 10-76g.

411 (j) Nothing in this section shall prohibit school districts from  
412 charging tuition to other school districts that do not have a high school  
413 pursuant to section 10-33.

414 (k) On or before October fifteenth of each year, the Commissioner of  
415 Education shall determine if the enrollment in the program pursuant  
416 to subsection (c) of this section for the fiscal year is below the number  
417 of students for which funds were appropriated. If the commissioner  
418 determines that the enrollment is below such number, the additional

419 funds shall not lapse but shall be used by the commissioner in  
420 accordance with this subsection. (1) Any amount up to [five] seven  
421 hundred fifty thousand dollars of such nonlapsing funds shall be used  
422 for supplemental grants to receiving districts on a pro rata basis for  
423 each out-of-district student in the program pursuant to subsection (c)  
424 of this section who attends the same school in the receiving district as  
425 at least nine other such out-of-district students, not to exceed one  
426 thousand dollars per student. (2) Any remaining nonlapsing funds  
427 shall be used for interdistrict cooperative grants pursuant to section 10-  
428 74d.

429 (l) For purposes of the state-wide mastery examinations under  
430 section 10-14n, students participating in the program established  
431 pursuant to this section shall be considered residents of the school  
432 district in which they attend school.

433 (m) Within available appropriations, the commissioner may make  
434 grants to regional education service centers which provide summer  
435 school educational programs approved by the commissioner to  
436 students participating in the program.

437 (n) The Commissioner of Education may provide grants for children  
438 in the Hartford program described in this section to participate in  
439 preschool and all day kindergarten programs. In addition to the  
440 subsidy provided to the receiving district for educational services,  
441 such grants may be used for the provision of before and after-school  
442 care and remedial services for the preschool and kindergarten students  
443 participating in the program.

444 (o) Within available appropriations, the commissioner may make  
445 grants for academic student support for programs pursuant to this  
446 section that assist the state in meeting the goals of the 2008 stipulation  
447 and order for Milo Sheff, et al. v. William A. O'Neill, et al., as  
448 determined by the commissioner.

449 Sec. 4. Subsection (b) of section 10-66dd of the general statutes is

450 repealed and the following is substituted in lieu thereof (*Effective July*  
451 *1, 2010*):

452 (b) (1) Subject to the provisions of this subsection and except as may  
453 be waived pursuant to subsection (d) of section 10-66bb, charter  
454 schools shall be subject to all federal and state laws governing public  
455 schools.

456 (2) At least one-half of the persons providing instruction or pupil  
457 services in a charter school shall possess the proper certificate other  
458 than (A) a certificate issued pursuant to subdivision (1) of subsection  
459 (c) of section 10-145b, or (B) a temporary certificate issued pursuant to  
460 subsection (c) of section 10-145f on the day the school begins operation  
461 and the remaining persons shall possess a certificate issued pursuant  
462 to said subdivision (1) or such temporary certificate on such day.

463 (3) The commissioner may not waive the provisions of chapters 163c  
464 and 169 and sections 10-15c, 10-153a to 10-153g, inclusive, 10-153i, 10-  
465 153j, 10-153m and 10-292. On and after July 1, 2012, the commissioner  
466 may not waive the provisions of section 10-145b.

467 (4) The state charter school governing council shall act as a board of  
468 education for purposes of collective bargaining. The school  
469 professionals employed by a local charter school shall be members of  
470 the appropriate bargaining unit for the local or regional school district  
471 in which the local charter school is located and shall be subject to the  
472 same collective bargaining agreement as the school professionals  
473 employed by said district. A majority of those employed or to be  
474 employed in the local charter school and a majority of the members of  
475 the governing council of the local charter school may modify, in  
476 writing, such collective bargaining agreement, consistent with the  
477 terms and conditions of the approved charter, for purposes of  
478 employment in the charter school.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	10-66bb
Sec. 2	<i>from passage</i>	10-66hh
Sec. 3	<i>July 1, 2010</i>	10-266aa
Sec. 4	<i>July 1, 2010</i>	10-66dd(b)

**ED***Joint Favorable Subst. C/R*

APP